

EXAMINER'S AMENDMENT
CONTINUED EXAMINATIONS

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/4/2011 has been entered.

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Eric G. Wright on 4/6/2011.

The application has been amended as follows:

IN THE CLAIMS:

Claim 21 has been cancelled.

Claim 1 has been amended to read as follows:

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A process for producing inositol from plant materials comprising the steps of:

a) providing a plant material comprising a neutral soluble sugar and at least one of a phytate or a

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phytin;

b) providing an aqueous slurry of said plant material from step a), wherein said aqueous slurry of said plant material comprises said neutral soluble sugar of said plant material and said at least one of a phytate or a phytin of said plant material;

c) conducting a partial hydrolysis by treating said aqueous slurry of said plant material resulting from step b) with an enzyme product enriched in phytase enzyme to partially hydrolyze of said at least one of a phytate or a phytin to produce a partially hydrolyzed slurry comprising a mixture of inositol phosphates which are negatively charged, and wherein said plant material is a main source of the phytate or phytin which is partially hydrolyzed during said step of a partial hydrolysis;

d) separating said partially hydrolyzed slurry of said plant material resulting from step c) to produce a water soluble fraction and a water-insoluble fraction, wherein said water soluble fraction comprises inositol phosphates which are negatively charged, as well as said neutral soluble sugar of said plant material;

e) separating said water soluble fraction resulting from step d) into a first ionic fraction comprising inositol phosphates which are negatively charged and a first neutral fraction comprising said neutral soluble sugar of said plant material;

f) conducting a hydrolysis of said inositol phosphates of said first ionic fraction resulting from step e) to produce inositol and an anionic fraction; and

g) separating said inositol from said anionic fraction resulting from step d).

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In Claims 2 and 4, at line 1, after the term “product”, the phrase --in step c)-- has been inserted.

In Claim 3, at line 1, after the term “slurry”, the phrase --in step c)-- has been inserted.

In Claims 5 and 6, at line 2, after the second “fraction”, the phrase --in step d)-- has been inserted.

In Claims 7, 8, 12, 13, 17, and 22, at line 2, after the term “fraction”, the phrase --in step f)-- has been inserted.

In Claims 9 and 14, at line 2, after the term “hydrolysis”, the phrase --in step f)-- has been inserted.

In Claim 23, at line 2, after the term “inositol”, the phrase --resulting from step g)-- has been inserted.

Claims 1-9, 12-14, 17, 22, and 23 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qiuwen Mi whose telephone number is 571-272-5984. The examiner can normally be reached on 8 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Qiuwen Mi/

Primary Examiner, Art Unit 1655